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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,046

12/02/2003

Kailash K. Mutha

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EXAMINER

DAFTUAR, SAKET K

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/726,046	Applicant(s) MUTHA, KAILASH K.	
	Examiner SAKET K. DAFTUAR	Art Unit 2451	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-30.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/John Follansbee/
 Supervisory Patent Examiner, Art Unit 2451

/S. K. D./
 Examiner, Art Unit 2451

Continuation of 11. does NOT place the application in condition for allowance because: applicant arguments are not persuasive.

1. An applicant argument with respect to router as "one or more communication device" is not persuasive as argued with respect to Sridhar and Thompson cited prior art.

First, examiner respectfully reminds applicant that "In response to applicant's arguments, 'Thompson does not disclose router as one or more communication device', against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986)."

Examiner considers "router" is very well known in the art. Second, applicant claims only "one or more server components operable to communicate with one or more router components" and examiner has earlier in Final office action pointed out to figure 6 of the Sridhar's Patent that clearly provide the schematics of client communication with directory server via Router. Based on the claim language, examiner considers the following citation reads on the claimed subject matter with respect to communication with router. See excerpt of column 8, line 39 – column 9, line 15 below:

"Referring to FIG. 6, a first illustrative embodiment of the invention supports communication between an exemplary client application 611 executing on a client computer 610 and exemplary server applications 619, 621, 634 executing on server computers 618, 620, 632 at server sites 616, 630. All the computers are coupled to Internet 100, which uses the Internet Protocol (IP) for network layer (ISO layer 3) communication. Client application 611 and server application 619, 621, 634 are configured to use TCP.

Client application 611 executing on client computer 610 communicates over the Internet with server computers 618, 620, 632 through a gateway computer 612 that in turn communicates with Internet 100 through POP 614. A proxy application 613 executes on gateway computer 612. Client application 611 is configured such that when it needs to establish a communication channel to a server computer, it contacts proxy application 613 with a request to establish that communication path. Once the communication channel is established further communication between client application 611 and the server computer passes through gateway computer 612 and is handled by proxy application 613. From the point of view of a server computer, client computer 610 and gateway computer 612 function as a single client communication system 606. It appears to the server computer that an application on gateway computer 612, rather than an application on client computer 610, is requesting services. For example, the address of the client computer is generally not known by the server computer. Proxy application 613 can in general handle multiple communication channels between one or more client applications and one or more remote servers.

Two server communication systems 616, 630 include server computers 618, 620 at server communication system 616 and server 632 at server system 630 coupled to LANs 617 and 638 respectively. Routers 622 and 636 are coupled to LANs 617 and 638 respectively and provide access through POP 624 to Internet 100. Server applications 619, 621, 634 are hosted on server computers 618, 620, 632 respectively. Server communication system 616 is specially configured in that it also includes a remote communication server 626 (a computer) also coupled to LAN 617. Remote communication server 626 is used to pass certain communication between router 622 and server computers 618, 620. Server communication system 630 does not include a remote communication server computer."

Therefore, applicant argument is not persuasive.

2. Applicant continues to argue to the substance that Sridhar with Thompson fails to teach "a phone number for one or more users associated with the one or more communication devices; an email address for the one or more users associated with the one or more communication devices; an instant message name for the one or more users associated with the one or more communication devices; and a user name for the one or more users associated with the one or more"

Below is the partial claim language for independent claim 1 that shows the argued subject matter.

"An apparatus, comprising:

one or more server components operable to communicate with one or more router components, wherein the one or more server components are operable to employ one or more identifiers of one or more communication devices to make a determination of one or more internet protocol addresses of the one or more router components, and wherein the one or more identifiers comprise any one or more of:
a phone number for one or more users associated with the one or more communication devices;
an email address for the one or more users associated with the one or more communication devices;
an instant message name for the one or more users associated with the one or more communication devices; and
a user name for the one or more users associated with the one or more"

However, applicant wants to see all four identifier elements in the reference or references but the claim language does not claim in accordance to the applicant's argument. The claim language states "wherein the one or more identifiers comprise any one or more of:" that requires only one identifier element or limitation from the above listed argued substance.

Since, applicant already acknowledges that Sridhar discloses identifiers such as PSTN destination number (phone number), IP address, e-mail address for each communications device; applicant arguments are not persuasive with respect to claimed subject matter.

3. In response to applicant remarks that Jenny does not supply the elements of applicant claim 1, examiner respectfully reminds applicant that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981)."

It appears that Applicant's argument with respect to Jenny cited prior art fails to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As such the rejection is maintained.

Respectfully submitted

/S.K.D/
AU 2451